

Remarks

Applicants elect group IV. The non-elected claims have been withdrawn.

However, Applicants decline to "elect a single species for the search purpose," and assert that such a requirement is improper. Applicants cite MPEP 803:

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (A) The inventions must be independent or distinct as claimed; and
- (B) There must be a serious burden on the examiner if restriction is required.

While Applicants agree that the inventions are patentably distinct, Applicants do not believe that there is a serious burden on the Examiner for the present claims. The claims as they now stand can easily be searched in their full range without undue burden. In particular, it is very easy to search for all heterocycles for group Z with a single search. For example, SciFinder enables a searcher to search for "any heterocycle" for a single search group. If a researcher can perform such a search without difficulty, surely an Examiner, who is an expert in the art of performing a search, can search the full breadth of the present claims without serious burden.

Applicants intend to protect compounds where Z is a range of heterocyclic moieties, and believe that it is unreasonable to require that each be prosecuted separately. Applicants believe that prosecution of broader claims will expedite prosecution of the entire scope of the claims as originally filed, and save both the Office's and the Applicants' time.

In light of the comments made above, Applicants believe that the amended claims can be examined without serious burden, and that a prima facie case of restriction does not exist for the amended claims. Therefore, Applicants request that examination of the claims on the merits of patentability begin.

Respectfully submitted,



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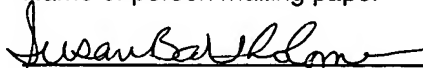
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I hereby certify that this Reply and additional documents enclosed herein are being deposited with the United States Postal Service on **March 14, 2005** in an envelope as "Express Mail Post Office To Addressee" mailing label number **EV295681987US** with sufficient postage for Express Mail addressed to Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Susan Bartholomew

Name of person mailing paper

Date: March 14, 2005


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